

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X  
:  
AQUAVITA INTERNATIONAL, S.A.

Plaintiff,

v.

BUNKER HOLDINGS, LTD.,

Defendant  
-----X

08 Civ. 5878 (WHP)

MOTION TO ADMIT COUNSEL  
*PRO HAC VICE*

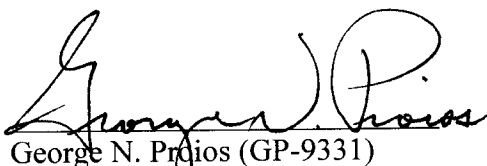
PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, I, George N. Proios, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

J. Stephen Simms  
Simms Showers LLP  
20 S. Charles Street, Suite 702, Baltimore, Maryland 21201  
Phone: 410-783-5795 Facsimile: 410-510-1789  
E-mail: jssimms@simmsshowers.com

J. Stephen Simms is a member in good standing of the Bar of the States of Maryland, Illinois and the District of Columbia. There are no pending disciplinary proceedings against J. Stephen Simms in any State or Federal court.

Dated: August 5, 2008  
New York, New York

Respectfully submitted,



George N. Proios (GP-9331)  
Law Offices of George N. Proios, PLLC  
Herald Square Building  
1350 Broadway, Suite 1507  
New York, NY 10018-7702  
Telephone (212) 279-8880  
Facsimile (212) 279-0670  
Counsel for Defendant

AUG - 5 2008

9/11 925-654175-176

**CERTIFICATE OF SERVICE**

Alberta Jacques declares and states that:

I am not a party to these actions, am over 18 years of age and reside in Queens, New York. I am at the Law Offices of George N. Proios, PLLC, attorneys for BUNKER HOLDINGS, LTD., with offices at 1350 Broadway, Suite 1507, New York, New York 10018.

On August 5, 2008, I served true copies of the attached Motion to Admit Counsel *Pro Hac Vice* and Affidavit of George N. Proios In Support of Motion to Admit Counsel *Pro Hac*

*Vice* upon:

Claurisse Ann Campanale-Orozco Corozco.  
Tisdale Law Offices, LLC  
11 West 42<sup>nd</sup> Street, Suite 900  
New York, NY 10036  
Attorneys for Plaintiff

Thomas L. Tisdale.  
Tisdale Law Offices, LLC  
11 West 42<sup>nd</sup> Street, Suite 900  
New York, NY 10036  
Attorneys for Plaintiff

by depositing same in a sealed and postage prepaid envelope, in a post-office or official depository of the US Postal Service within the State of New York, addressed to the last known address of the addressees as indicated above.

I declare and state under penalty of perjury that the foregoing is true and correct.

Executed on: August 5, 2008

A handwritten signature in cursive script that reads "Alberta Jacques". The signature is written in black ink and is positioned above the printed name.

Alberta Jacques

Law Offices of George N. Proios, PLLC  
Herald Square Building  
1350 Broadway, Suite 1507  
New York, N.Y 10018  
(212) 279-8880  
Attorneys for Defendant

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

AQUAVITA INTERNATIONAL, S.A.

Plaintiff,

v.

BUNKER HOLDINGS, LTD.,

Defendant

08 Civ. 5878 (WHP)

**AFFIDAVIT OF GEORGE N. PROIOS  
IN SUPPORT OF MOTION TO  
ADMIT COUNSEL *PRO HAC VICE***

-----X

State of New York    )  
                              )       ss:  
County of New York    )

George N. Proios, being duly sworn, hereby deposes and says as follows:

1. I am a Member at the Law Offices of George N. Proios, PLLC, and counsel for Defendant in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant's motion to admit J. Stephen Simms as counsel *pro hac vice* to represent Defendant in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice in January 1991. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known J. Stephen Simms since 1993.

4. Mr. Simms is a Partner at Simms Showers, LLP, in Baltimore, Maryland.

5. I have found Mr. Simms to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

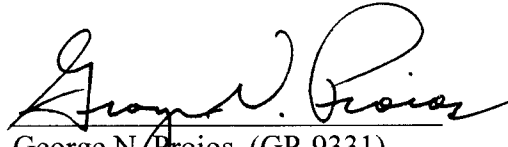
6. Attached hereto as Exhibit A are certificates of good standing for Mr. Simms from the Supreme Court of Illinois, the District of Columbia Court of Appeals and the Court of Appeals of Maryland.

7. Accordingly, I am pleased to move the admission of J. Stephen Simms, *pro hac vice*.

8. I respectfully submit a proposed order granting the admission of J. Stephen Simms, *pro hac vice*, which is attached hereto as Exhibit B.

WHEREFORE it is respectfully requested that the motion to admit J. Stephen Simms, *pro hac vice*, to represent Defendant in the above captioned matter, be granted.

Dated: August 5, 2008  
New York, New York

  
George N. Proios (GP-9331)

Sworn to before me on this

5<sup>th</sup> day of August 2008

  
NOTARY PUBLIC

WALKER G. HARMAN, JR.  
Notary Public, State of New York  
No. 02840519  
Qualified to Notarize  
Commission Expires 12/31/11

# **EXHIBIT A**

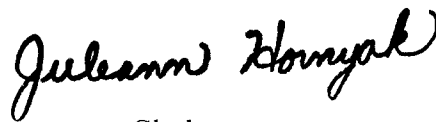
## **Certificate of Admission To the Bar of Illinois**

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

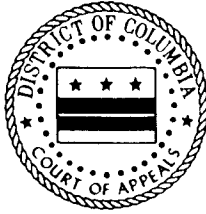
John Stephen Simms

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 9, 1983 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto  
placed my hand and affixed the seal  
of said Supreme Court, at Springfield,  
in said State, this Wednesday, July 09, 2008.

A handwritten signature in black ink, reading "Juleann Hornyak". The signature is written in a cursive, flowing style.

Clerk



District of Columbia Court of Appeals  
Committee on Admissions  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

JOHN S. SIMMS

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was on the 18<sup>TH</sup> day of SEPTEMBER, 1984

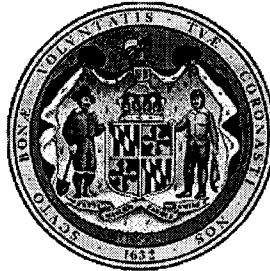
duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on July 25, 2008.

GARLAND PINKSTON, JR., CLERK

By: M. Charles  
Deputy Clerk

**Court of Appeals  
of Maryland  
Annapolis, MD**



***CERTIFICATE OF GOOD STANDING***

*STATE OF MARYLAND, ss:*

*I, Bessie M. Decker, Clerk of the Court of Appeals of Maryland,  
do hereby certify that on the twentieth day of December, 1985,*

**John Stephen Simms**

*having first taken and subscribed the oath prescribed by the Constitution and  
Laws of this State, was admitted as an attorney of said Court, is now in good  
standing, and as such is entitled to practice law in any of the Courts of said  
State, subject to the Rules of Court.*

**In Testimony Whereof,** *I have hereunto  
set my hand as Clerk, and affixed the Seal  
of the Court of Appeals of Maryland, this  
twenty-fourth day of July, 2008.*

*Bessie M. Decker*

*Clerk of the Court of Appeals of Maryland*



# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF  
NEW YORK

|                              |   |                            |
|------------------------------|---|----------------------------|
| -----X                       |   |                            |
|                              | : |                            |
| AQUAVITA INTERNATIONAL, S.A. | : |                            |
|                              | : |                            |
| Plaintiff,                   | : | <b>08 Civ. 5878 (WHP)</b>  |
|                              | : |                            |
| v.                           | : | <b>ORDER FOR ADMISSION</b> |
|                              | : | <b>PRO HAC VICE</b>        |
| BUNKER HOLDINGS, LTD.,       | : | <b>ON WRITTEN MOTION</b>   |
|                              | : |                            |
| Defendant.                   | : |                            |
|                              | : |                            |
| -----X                       |   |                            |

Upon the motion of George N. Proios, Attorney for Defendant and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

J. Stephen Simms  
Simms Showers LLP  
20 S. Charles Street  
Suite 702  
Baltimore, Maryland 21201  
Phone: 410-783-5795  
Facsimile: 410-510-1789  
E-mail: [jssimms@simmsshowers.com](mailto:jssimms@simmsshowers.com)

is admitted to practice *pro hac vice* as counsel for Defendant in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov) . Counsel shall

forward *pro hac vice* fee to the Clerk of Court.

Dated: August \_\_\_\_, 2008  
New York, New York

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U.S.D.J.

**CERTIFICATE OF SERVICE**

Alberta Jacques declares and states that:

I am not a party to these actions, am over 18 years of age and reside in Queens, New York. I am at the Law Offices of George N. Proios, PLLC, attorneys for BUNKER HOLDINGS, LTD., with offices at 1350 Broadway, Suite 1507, New York, New York 10018.

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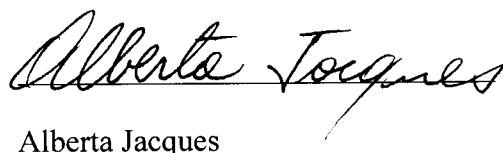
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Tisdale Law Offices, LLC  
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New York, NY 10036  
Attorneys for Plaintiff

Thomas L. Tisdale.  
Tisdale Law Offices, LLC  
11 West 42<sup>nd</sup> Street, Suite 900  
New York, NY 10036  
Attorneys for Plaintiff

by depositing same in a sealed and postage prepaid envelope, in a post-office or official depository of the US Postal Service within the State of New York, addressed to the last known address of the addressees as indicated above.

I declare and state under penalty of perjury that the foregoing is true and correct.

Executed on: August 5, 2008

  
Alberta Jacques